

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-162, RM-9112]

### Radio Broadcasting Services; Hutchinson, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Gary L. Violet requesting the allotment of Channel 240A to Hutchinson, Kansas. Channel 240A can be allotted to Hutchinson in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 240A at Hutchinson are 38-04-54 NL and 97-55-42 WL.

**DATES:** Comments must be filed on or before September 15, 1997, and reply comments on or before September 30, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary L. Violet, 331 Lookout Point, Hot Springs National Park, Arkansas 71913 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's notice of proposed rule making, MM Docket No.97-162, adopted July 16, 1997, and released July 25, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

RIN 1018-AD39

### Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule To List *Dudleya blochmaniae* ssp. *insularis*, *Dudleya* sp. nov. "East Point", and *Heuchera maxima* as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) withdraws the proposal to list *Dudleya blochmaniae* ssp. *insularis*, *Dudleya* sp. nov. "East Point", and *Heuchera maxima* as endangered species under the Endangered Species Act of 1973, as amended (Act). The Service finds that information now available, discussed below, justifies withdrawal of the proposed listings of these species as endangered. The National Park Service (NPS) has implemented measures that significantly reduce the risks to *Dudleya blochmaniae* ssp. *insularis* and *Dudleya* sp. nov. "East Point" and has sponsored field surveys that have identified a greater abundance and distribution for *Heuchera maxima*. Based on this information the Service concludes that listing of these species is not warranted.

**DATES:** This withdrawal notice is made July 31, 1997.

**ADDRESSES:** The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Ventura Field Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Ventura, California, 93003.

**FOR FURTHER INFORMATION CONTACT:** Tim Thomas, at the above address or by telephone (805) 644-1766.

## SUPPLEMENTARY INFORMATION:

### Background

On July 25, 1995 the Service published in the **Federal Register** (60 FR 37993) a proposal to list 16 plant species from the northern Channel Islands as endangered.

Included among these 16 taxa were *Dudleya blochmaniae* ssp. *insularis* (Santa Rosa Island dudleya), *Dudleya* sp. nov. "East Point" (munchkin dudleya), and *Heuchera maxima* (Island alum-root), the subject taxa of this notice of withdrawal. Santa Rosa Island dudleya (*Dudleya blochmaniae* ssp. *insularis*) was first described as *Hasseanthus blochmaniae* ssp. *insularis* by Reid Moran (1950a) based on a collection made at "Old Ranch Point" on Santa Rosa Island in 1950. Moran (1953) treated *Hasseanthus* as a subgenus of *Dudleya*; *Hasseanthus* had previously been segregated from *Dudleya* on the basis of stem characteristics and the presence of vernal (withering) leaves. In so doing, he published the new combination *Dudleya blochmaniae* ssp. *insularis* (Moran 1953). Though Thompson (1993) recently reseggregated *Hasseanthus* from *Dudleya* at the generic level, he provided no new evidence for this action. Moreover, given that the base chromosome number of *Hasseanthus* and *Dudleya* is the same ( $n=17$ ) and that species of *Hasseanthus* and *Dudleya* are completely interfertile but will not cross with other family genera, splitting these taxa at the generic level is inappropriate. As a result, the taxon will be recognized in this notice of withdrawal under the name *Dudleya blochmaniae* ssp. *insularis*.

*Dudleya blochmaniae* ssp. *insularis* is a small succulent perennial in the stonecrop family (Crassulaceae). The plant has a corm-like root structure, and 15 to 30 oblanceolate leaves in a basal rosette, from which several flowering stems 3 to 7 centimeters (cm) (1.2 to 2.8 inches (in)) long arise. The white, five-petaled flowers and the resulting fruits are fused at the base and wide-spreading distally. This subspecies is distinguished from two other mainland subspecies of *D. blochmaniae* on the basis of the more numerous rosette leaves, shorter floral stems, more pronounced glaucousness of young floral stems and their leaves, and the size and shape of the lower bracts (Moran 1950a, Bartel 1993).

*Dudleya blochmaniae* ssp. *insularis* is only known from the type locality near Old Ranch Point, also known as Marsh Point, on the east end of Santa Rosa Island. The taxon occupies an area of less than 1 hectare (2 acres) of an